

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: Field Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO

From: State Director, Nevada

Subject: Cultural Resources Documentation, Fire Prescription Activities and Post-burn Monitoring

Developing and implementing a Prescribed Fire Plan is a discretionary Bureau of Land Management (BLM) activity necessitating compliance with the National Historic Preservation Act (NHPA) as well as other laws and regulations. Current policy (IM OF&A 2000-020) requires that each prescribed fire project file contain documentation of the process by which the BLM complied with Section 106 of the NHPA. This documentation must include the data, considerations, and thought process that led to the management decisions contained in the plan and its associated Record of Decision (ROD). Project documentation also must include a statement regarding results of Native American consultation, including affected Indian tribes and individuals, a summary of the BLM's consultation effort, responses from tribes and individuals, and any BLM response.

One of the following means of documentation (A, B or C) should be used for a burn plan, each reflecting how compliance with NHPA in Nevada is accomplished under terms of the 1999 State Protocol Agreement (SPA) with the Nevada State Historic Preservation Office (SHPO).

A. If the proposed burn area has been inventoried to Class III standards within the last 10 years and BLM, with SHPO concurrence, determines no historic properties exist and no additional consultation with SHPO is necessary for any reason, the prescribed burn plan documentation should, at a minimum, consist of one of the following:

1. **Title page** of the report, including the prescription burn name, county, author(s), date of report, organization (e.g., contractor providing inventory service to BLM), sponsoring organization (e.g., BLM field office), BLM report number; and

2. **Management summary**, providing dates of field inventory, methods (e.g., Class III), inventory results (numbers and kinds of resources identified), a statement regarding evaluations of eligibility for nomination to the National Register of Historic Places (NRHP), including brief summary statements of relevant contexts; and
3. **Cultural resources inventory area map** of the prescribed burn project (including differentiation of applied methods or areas of coverage, as appropriate); and
4. Copies of **relevant BLM/SHPO correspondence** documenting SHPO concurrence with BLM's determinations of effect; or
5. **A copy of the Class 3 inventory report**, *without* confidential site specific location maps or site record forms, provided this gives the minimal information listed previously.

Two other “standard” options for inventory efforts are available, per the SPA.

B. The Cultural Resource Specialist (Specialist) may determine there is a **low probability of occurrence for historic properties** (i.e., those eligible for the NRHP) in a proposed prescribed burn area. The Specialist must substantiate the basis for this perspective in writing, for review and written concurrence by the appropriate Field Office manager, prior to burn implementation. The emphasis is on documentation of a fire within the prior 50 years that would have destroyed vulnerable resources. So-called “vulnerable” resources include, but are not limited to, historic buildings, structures and artifacts, prehistoric and ethnohistoric wooden structures (e.g., houses, wing traps), rock art and sites with flammable organic deposits. Documentation must include adequate written description of the previous burn area to establish location accurately (including detailed contemporary maps prepared at a useable scale) and some written explanation assessing fire intensity in the previous burn.

The Specialist must document the basis for determining a low probability of occurrence for vulnerable cultural resources, particularly where more resistant types of resources may exist. The Specialist may take into account data such as similarities in the geological formations in the burn area to others with rock art, the apparent sensitivity of the rock to the effects of heat, burn conditions of the last 50 years compared to those of the proposed burn, results of recent inventories, and results of the pre-burn field inspection.

C. If it is proposed to **manage the fire within prescription limits developed in a fire management plan (FMP) reviewed previously by SHPO**, a copy of that document should be made part of the file, provided that no specific site location is included that could be made available to the public. Specific prescription methods, if any, relating to protection of cultural resources must be restated in the burn plan, while similarly precluding release of specific site location information to the public. Effectiveness of prescription methods is to be monitored.

Post-burn monitoring is an essential part of assessing the effectiveness of prescription limits in achieving burn objectives (IM OF&A 2000-020, Appendix 7). Monitoring must be part of any FMP involving prescription limits and the protection of cultural resources. Written results of monitoring will be incorporated into the burn's project files and must be shared with SHPO. Monitoring reports will include: the objective of prescription limits with regard to protection of cultural resources; a critical review of the effectiveness of prescription measures based on post-burn physical examination and documentation (e.g., description, photographs); whether objectives were fulfilled, and why or why not; and a statement how cultural resources protection might be improved in future circumstances. A cultural resources monitoring report must be prepared by a qualified Specialist, signed and dated, with review and written acknowledgment by the Field Manager. Monitoring reports should be completed and submitted within 90 days after declaration the fire is out. Results will be used to evaluate applications of specific prescription limits for cultural resources in other situations in the future.

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